

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ARROWOOD INDEMNITY COMPANY,

Petitioner

v.

Civ. No. 21-0975 KG-GJF

ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF SANTA FE,

Debtor-Respondent.

ORDER DENYING MOTION FOR LIMITED DISTRIBUTION LIST

This matter comes before the Court on the parties' Joint Motion to Limit Service Distribution List for Sealed Pleadings. (Doc. 7) (Motion). Petitioner initiated this case by filing a Motion to Withdraw the Bankruptcy Reference. (Doc. 1). The parties failed to file all responses and replies on this docket as required by NM Bankr. Local Rule 5011-1. By an Order entered November 19, 2021, the Court directed the parties to cross docket papers in this case. (Doc. 6). The Order specified that all documents shall be filed under seal and limited to case participants in CM/ECF. All joinders, responses, and replies to the opening pleading are under seal on the bankruptcy docket.

In the instant Motion, the parties ask the Court to create a limited distribution list for all confidential pleadings. (Doc. 7) at 1. The Bankruptcy Court created such a list to ensure only relevant parties receive copies of insurance documents. The bankruptcy order states only "Debtor, Insurers, counsel for the [Unsecured Creditors' Committee] and counsel for the ... United States Trustee shall have access to the Sealed Pleadings." (Doc. 7-1) at 3. A limited distribution list makes sense in the bankruptcy context. Hundreds - and sometimes thousands - of creditors, attorneys, lessees, and other interested parties are entitled to notice of bankruptcy filings. See 11

U.S.C. § 1109 (any “party in interest ... may appear and be heard on any issue in a [bankruptcy] case”). Hence, limiting access to bankruptcy case participants does provide meaningful confidentiality protections.

Here, sealed pleadings can only be accessed by parties who appear in the District Court case. Each attorney who entered an appearance in the District Court case appears on the parties’ proposed service distribution list. *Compare* Docket in Civ. No. 21-975 *with* (Doc. 7) at 1-2. Accordingly, the Court finds that allowing the parties to file pleadings under seal in CM/ECF, limited to the case participants in this District Court case, is sufficient. Creating a special distribution list is unduly burdensome, based on this Court’s CM/ECF configuration. Moreover, the Motion fails to explain why limiting the pleadings to case participants - who already have copies from the bankruptcy docket - fails to satisfy confidentiality concerns.¹ The Court will deny the Motion. The Court will also deny any request to distribute pleadings to individuals who have not entered an appearance in this case. *See* NM Local Rule 83.4(a) (“To participate in a pending proceeding, an attorney must enter an appearance....”).

IT IS ORDERED:

1. The Joint Motion to Limit Service Distribution List for Sealed Pleadings is denied.
2. The parties may file all documents under seal, limited to case participants, in CM/ECF.


UNITED STATES DISTRICT JUDGE

¹ To the extent the parties are concerned that an unrelated attorney/litigant might locate this case and improperly enter an appearance in the hopes of discerning how much a particular insurer paid to settle sexual abuse claims in the Archdiocese of Santa Fe, this is too speculative to warrant relief. Absent unusual circumstances, the parties must use the same confidentiality procedures available to other litigants in this Court.